

**REMARKS/ARGUMENTS**

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 17 are pending in the application. Currently, claims 1 - 17 stand rejected; however, claims 2 - 8 and 10 - 16 have been indicated as containing allowable subject matter.

By the present amendment, claims 1 and 9 have been cancelled; claims 2 - 6 and 10 - 15 have been placed into independent form; claim 17 has had its dependency changed; and new claims 18 - 22 have been added to the application.

In the office action dated September 27, 2004, claims 1 - 17 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. In particular, the Examiner inquired as to the meaning of "glass ecospheres". Glass ecospheres are hollow glass spheres which can be used in a wide variety of applications. Attached hereto is an article from the University of Rhode Island describing a concrete canoe which is built with an inner layer formed by a mix of concrete and ecospheres. The Examiner is hereby requested to withdraw the rejection under 35 U.S.C. 112, second paragraph, in light of the foregoing comments.

Further in the office action, claims 1, 9, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,627,697 to Barney et al. in view of U.S. Patent No. 4,031,059 to Strauss. This rejection has been mooted by the cancellation of claims 1 and 9 and by the change in dependency of claim 17.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.


Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the

Examiner is hereby invited to contact Applicants' attorney at the telephone number listed below.

The Commissioner is hereby authorized to charge the additional independent claim fee of \$1,800.00 to Deposit Account No. 21-0279. Should the Commissioner determine that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account.

Respectfully submitted,

Seven A. Cosby et al.

By   
Barry L. Kelmachter  
BACHMAN & LaPOINTE, P.C.  
Reg. No. 29,999  
Attorney for Applicants

Telephone: (203)777-6628 ext. 112  
Telefax: (203)865-0297  
Email: docket@bachlap.com

Date: December 13, 2004

I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on December 13, 2004.

